

# Questions That You May Want to Ask an Applicant, But Shouldn't



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Managers and supervisors are on the frontline in conducting job interviews with applicants. Many have received little training in conducting job interviews or the discrimination laws that govern the questions they can legally ask in an interview. Still, they are expected to tread the narrow ground between those questions they can appropriately ask and those that have the potential of a costly lawsuit.

Often a manager or supervisor will engage in innocent small talk with an applicant to set the applicant at ease or to get to know a little about the applicant. Even this innocent small talk can be a breach of law depending on the questions asked. For example, Bob, Sue and Mary are interviewing Mikahalia for an Administrative Office Support Assistant position. Their small talk questions go a little like this: Bob – Mikahalia, tell us a little about yourself like where did you go to high school, when did you get your diploma, and what

organizations you belong to? Sue – Do you have a family? What does your husband do for a living? Mary – Mikahalia, now that is an interesting name. How did you come by that name?

These seemingly innocent questions are actually breaches of the law, because they can lead to discrimination. Managers should avoid asking any direct or indirect questions to elicit answers about the applicant's age, marital and family status, childcare, national origin, or religion.

Are there any guidelines for the manager or supervisor on what questions are appropriate or inappropriate? The answer is yes. EEO (Equal Employment Opportunity) Considerations or Interview Guidelines provide guidance on what is discriminatory to ask and acceptable questions. Below are some brief examples of these considerations by selected item or category.

## EEO Interviewing Guideline Examples

Item	Prohibited Information (Cannot be used to disqualify candidates)	Lawful Information (Can be used to disqualify candidates)
Age	Age, birth certificate. Inquiries as to date of graduation from high school or other questions to determine age should be avoided.	Whether a candidate meets minimum age requirements, such as a statutory requirement. For example, in Missouri a law enforcement officer must be 21 in order to carry a firearm. In such cases you may ask whether the applicant can meet the terms and conditions of the job. Also, you may require that a candidate submit proof of age <b>after</b> he or she is hired.
Arrest Record	Any inquiry relating to arrest.	None.
Conviction Record	Inquiries regarding convictions that do not relate to performing the particular job under consideration.	Inquiries about actual convictions that relate reasonably to performing a particular job.
Credit Rating	Any inquiries concerning charge accounts, credit rating, etc. that do not relate to performing the particular job under consideration.	None, unless it is job related. It is best to avoid any such inquiries if you cannot demonstrate clearly how they relate to performing the job in question.
Disabilities	General inquiries that would elicit information about health conditions or disabilities that do not relate to job performance.	Under the ADA (Americans with Disabilities Act), you may inquire of all applicants if they can perform the essential job functions or to describe how they would perform the essential functions. However, you may not disqualify a disabled candidate from consideration that can perform the job/essential functions with or without an accommodation.

## EEO Interviewing Guideline Examples - Continued

Item	Prohibited Information (Cannot be used to disqualify candidates)	Lawful Information (Can be used to disqualify candidates)
<b>Education</b>	Disqualification of a candidate who does not have a particular degree unless the employer has proven that the specific degree is the only way to measure an applicant's ability to perform the job in question.	Inquiries regarding degrees or equivalent experience. Information regarding courses relevant to a particular job.
<b>Height/Weight</b>	Any inquiries regarding height or weight that do not relate to job requirements.	None, unless it is specifically related to the job requirements. If it is related to specific established job requirements, then it should be asked of all applicants for the job.
<b>Marital and Family Status</b>	Inquiries regarding marital status, number of children, what the applicant's spouse does for a living, and pregnancy. Also inquiries regarding unwed motherhood, childcare problems, contraceptive practices, and spouse's preferences regarding job conditions. Essentially, any question that directly or indirectly results in the limitation of job opportunity.	Inquiry as to whether the applicant can meet the work schedule or job hours. Whether the applicant has activities, responsibilities, or commitments that may hinder meeting attendance requirements. <b>(Should be asked of applicants of both sexes.)</b>
<b>Military Record</b>	Discharge status, unless it is the result of a military conviction.	Inquiries regarding the type of experience, education and training in the service as it relates to the particular job.
<b>Name</b>	Inquiries to determine national origin, ancestry, or prior marital status.	Inquiries as to whether the applicant has <b>worked</b> under a different name.
<b>National Origin</b>	Inquiries relating to lineage, ancestry, descent, mother tongue (language), birthplace, national origin of spouse or parents, and similar inquiries.	Inquiries as to whether an applicant is legally eligible to work in the United States.
<b>Organizations</b>	Inquiries about membership to determine the race, color, religion, sex, national origin, race or age of applicants.	Inquiries that <b>do not</b> elicit discriminatory information.
<b>Race or Color</b>	Inquiries relating to race, complexion or color of skin.	None.
<b>Religion</b>	Inquiries regarding religious preferences, affiliations, denomination, or similar inquiries to elicit such information.	Inquiries as to whether an applicant can meet work schedules of the job with reasonable accommodation by the employer if necessary.
<b>Gender</b>	Inquiries regarding the sex of an applicant, where gender is not a BFOQ (Bona Fide Occupational Qualification).	Sex of applicant, only where sex can be demonstrated as a true BFOQ for the job, i.e., the physical characteristics of one sex are necessary to perform the job. This type of BFOQ is extremely rare and difficult to establish.

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